

Item #

**SEMINOLE COUNTY GOVERNMENT
LAND PLANNING AGENCY / PLANNING AND ZONING COMMISSION
AGENDA MEMORANDUM**

SUBJECT: Nikki Farms Rezone From A-1 to RC-1

DEPARTMENT: Planning & Development **DIVISION:** Planning

AUTHORIZED BY: Tony Walter **CONTACT:** Tony Walter ^{TW} **EXT.** 7375

Agenda Date 09/07/05 **Regular** ☐ **Work Session** ☐ **Briefing** ☐
Special Hearing – 6:00 ☐ **Public Hearing – 7:00** ☒

MOTION/RECOMMENDATION:

1. Recommend APPROVAL of the request to rezone approximately 13.48 acres, located on the west side of Lake Markham Road, approximately 0.5 mile north of Markham Road, from A-1 (Agriculture District) to RC-1 (Country Homes District); (Abid and Anne Mian, applicant); or
2. Recommend DENIAL of the request to rezone approximately 13.48 acres, located on the west side of Lake Markham Road, approximately 0.5 mile north of Markham Road, from A-1 (Agriculture District) to RC-1 (Country Homes District); (Abid and Anne Mian, applicant); or
3. CONTINUE the public hearing until a time and date certain.

(District 5 – Comm. Carey)

(Tony Walter, Planning Manager)

BACKGROUND:

The applicant, Abid and Anne Mian requests the rezoning of a 13.48 acre tract, located on Lake Markham Road, approximately 0.5 miles north of Markham Road, from A-1 (Agriculture District) to RC-1 (Country Homes District). The requested zoning would allow lots with a minimum size of one (1) acre and a minimum lot width of 120 feet. The future land use designation of the subject property is SE (Suburban Estates), which permits a maximum density of one (1) dwelling unit per acre. The applicant intends to develop 4 homes.

Reviewed by: JR
Co Atty: _____
DFS: _____
OTHER: _____
DCM: _____
CM: _____

File No. Z2005-042

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the request to rezone approximately 13.48 acres, located on the west side of Lake Markham Road, approximately 0.5 miles north of Markham Road, from A-1 (Agriculture District) to RC-1 (Country Homes District).

Attachments:

Staff Analysis
Locator Map
FLU/Zoning Map
Plat Map
Aerial map
Ordinance

NIKKI FARMS REZONE A-1 TO RC-1

REQUEST INFORMATION		
APPLICANT	Abid and Anne Mian	
PROPERTY OWNER	Abid and Anne Mian	
REQUEST	Rezone property from A-1 (Agriculture District) to RC-1 (Country Homes District)	
HEARING DATE (S)	P&Z: September 7, 2005	BCC: October 25, 2005
PARCEL ID	27-19-29-300-031D-0000, 27-19-29-300-031C-0000, 26-19-29-300-0190-0000	
LOCATION	The west side of Lake Markham Road, approximately 0.5 mile north of Markham Road.	
FUTURE LAND USE	SE (Suburban Estates)	
ZONING	A-1 (Agriculture District)	
FILE NUMBER	Z2005-042	
COMMISSION DISTRICT	#5 – Carey	

OVERVIEW

Zoning Request: The applicant requests the rezoning of a 13.48 acre tract, located on Lake Markham Road, approximately 0.5 miles north of Markham Road, from A-1 (Agriculture District) to RC-1 (Country Homes District). The requested zoning would allow lots with a minimum size of one (1) acre and a minimum lot width of 120 feet. The future land use designation of the subject property is SE (Suburban Estates), which permits a maximum density of one (1) dwelling unit per acre. The applicant intends to develop 4 homes.

A-1 AND RC-1 DISTRICT AREA REGULATIONS		
	A-1	RC-1
Minimum Lot Size	1 Acre	1 Acre
Minimum House Size	N/A	1,200 Square Feet
Minimum Width at Building Line	150 Feet	120 Feet
Front Yard Setback	50 Feet	35 Feet
Side Yard Setback	10 Feet	20 Feet
(Street) Side Yard Setback	50 Feet	35 Feet
Rear Yard Setback	30 Feet	35 Feet

Existing Land Uses:

The future land use designation, zoning districts and existing uses for the subject and abutting properties are as follows:

(North)				
(West)	SE Vacant A-1	SE Vacant A-1	REC Park A-1	(East)
	SE Vacant A-1	(SUBJECT PROPERTY) SE Vacant/ Nursery A-1	REC Park A-1	
	SE Vacant A-1	SE Vacant A-1	SE Horse Farm A-1	
(South)				

For more detailed information regarding zoning and land use, please refer to the attached map.

SITE ANALYSIS

Facilities and Services:

Adequate public facilities and services must be available concurrent with the impacts of development. The applicant submitted an Affidavit of Concurrency Review Deferral. At the time of subdivision review, the applicant is required to submit an application for concurrency review.

The following table depicts the impacts the proposed development has on public facilities:

Public Facilities	Existing Zoning (A-1)	Proposed Development*	Net Impact
Water (GPD)	4,550	1,400	3,150
Sewer (GPD)	4,550	1,400	3,150
Traffic (ADT)	76	38	38
Schools			
Elementary	2.0	1.0	1.0
Middle	1.0	1.0	0
High	1.0	1.0	0

*Proposed development on straight zoning is based on maximum units permitted using gross acreages.

The site is located in the Northwest Service Area, where water capacity for new development is limited. Capacity availability is determined during the concurrency process. There is a 12-inch water main and a 12-inch reclaim water main on the east side of Lake Markham Road.

A portion of the site is located within the 100-year flood zone, which can not be impacted in the WRPA (Wekiva River Protection Area) and requires a 50-foot undisturbed upland buffer.

Transportation / Traffic:

The property accesses Lake Markham Road, which is classified as a local road. Lake Markham Road is a 2 lane undivided road operating at a LOS "A".

Compliance with Environmental Regulations:

Staff determined that a Conservation Easement dedicated to Seminole County is required over all wetlands (no impacts to wetlands permitted) and required upland buffers at the time of subdivision approval. A listed species survey must be submitted prior to final engineering approval.

Compatibility with Surrounding Development:

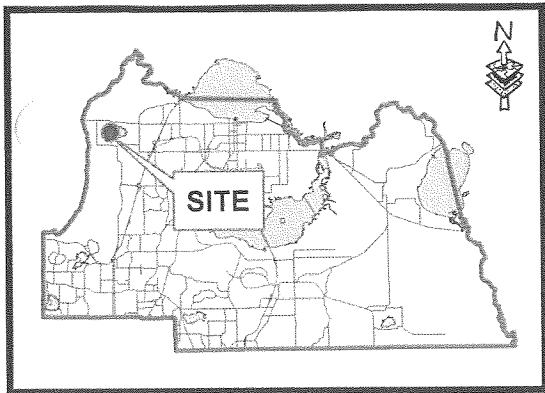
The proposed RC-1 zoning is compatible with the trend of single-family residential development located along this section of Lake Markham Road. The purpose of the RC-1 district is to provide for a country lifestyle and low density, single-family development at the same density as the existing A-1 zoning, without many of the undesirable features of a purely agriculture district. Furthermore, RC-1 is a compatible zoning category under the existing SE (Suburban Estates) future land use and would result in no increase in residential density. For these reasons, staff believes the proposed rezone would be compatible with surrounding development.

School Impact:

The applicant is proposing 4 single family lots which pose a negligible impact on schools.

STAFF RECOMMENDATION

Based upon the above findings, staff recommends APPROVAL of the request to rezone approximately 13.48 acres, located on the west side of Lake Markham Road, approximately 0.5 miles north of Markham Road, from A-1 (Agriculture District) to RC-1 (Country Homes District).



LAKE COUNTY

VOLUSIA COUNTY

Lake Monroe

NW US 17-92

SR 46 W

SR 417

SR 417 SR 417 SR 417

CR 46A

UPSALA RD

AIRPORT BLVD W

PERSIMMON AV

SR 417

LAKE MARY

LAKE MARY BLVD W

LAKE MARY BLVD

LAKE WAY RD

GREEN WAY BLVD

N US 17-92

SR 419

HESTER AV

SR 434 W

SR 434 E

SR 434 W

WIN SPR

SR 434 N

NORTH ST

SEMINOLE AV

CR 427 S

S US 17-92

SEMINOLA BLVD

EAGLE CIR N

SR 436 E

ALTAMONTE SPRINGS

CASSELBERRY

S LINE DR

HUNT CLUB BLVD

SR 436

SAND LAKE RD

SR 436 W

MONTGOMERY RD

DOUGLAS AV

MARKHAM WOODS RD

E E WILLIAMSON RD

LAKE EMMA RD

CR 427 N

OREGON AV

MONROE RD

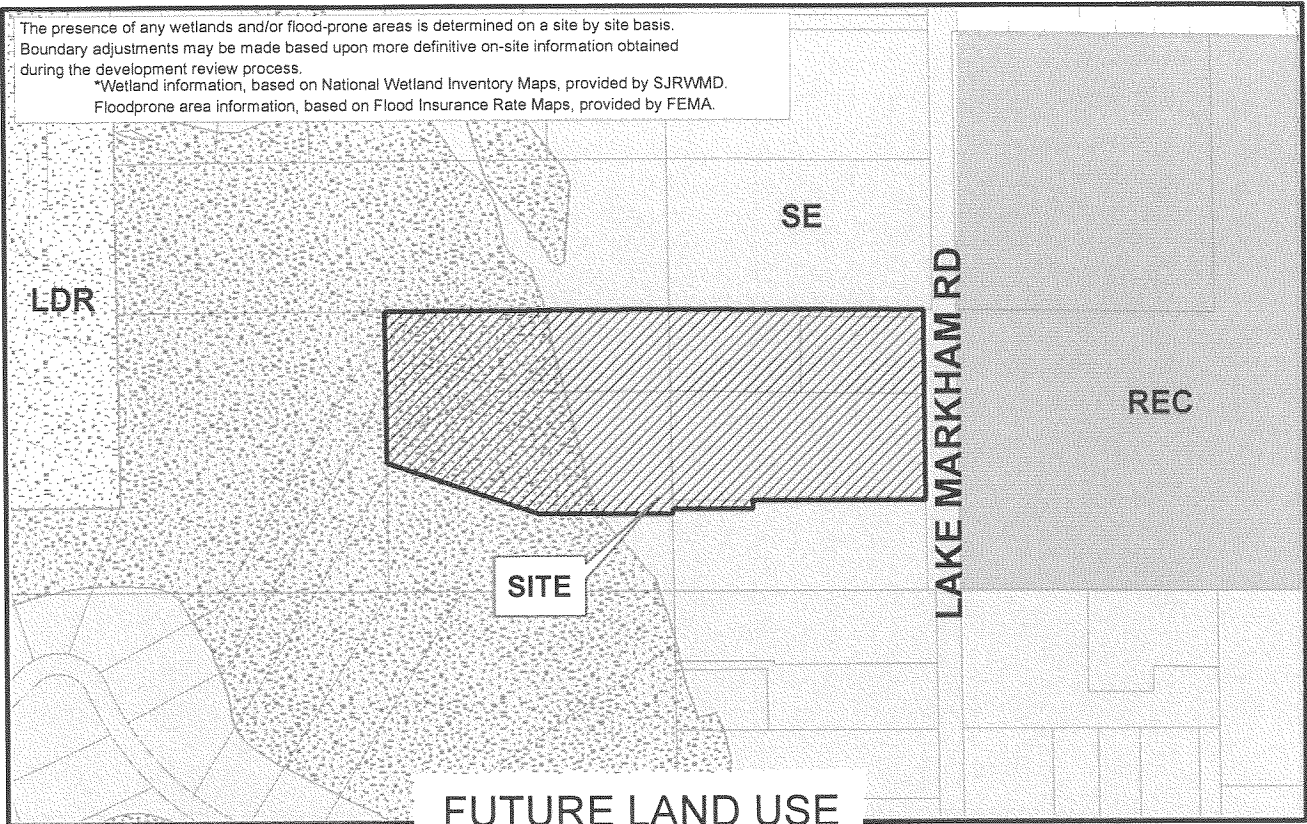
ORANGE BLVD

MARKHAM RD

LONGWOOD MARKHAM RD

Z2005-042 SITE

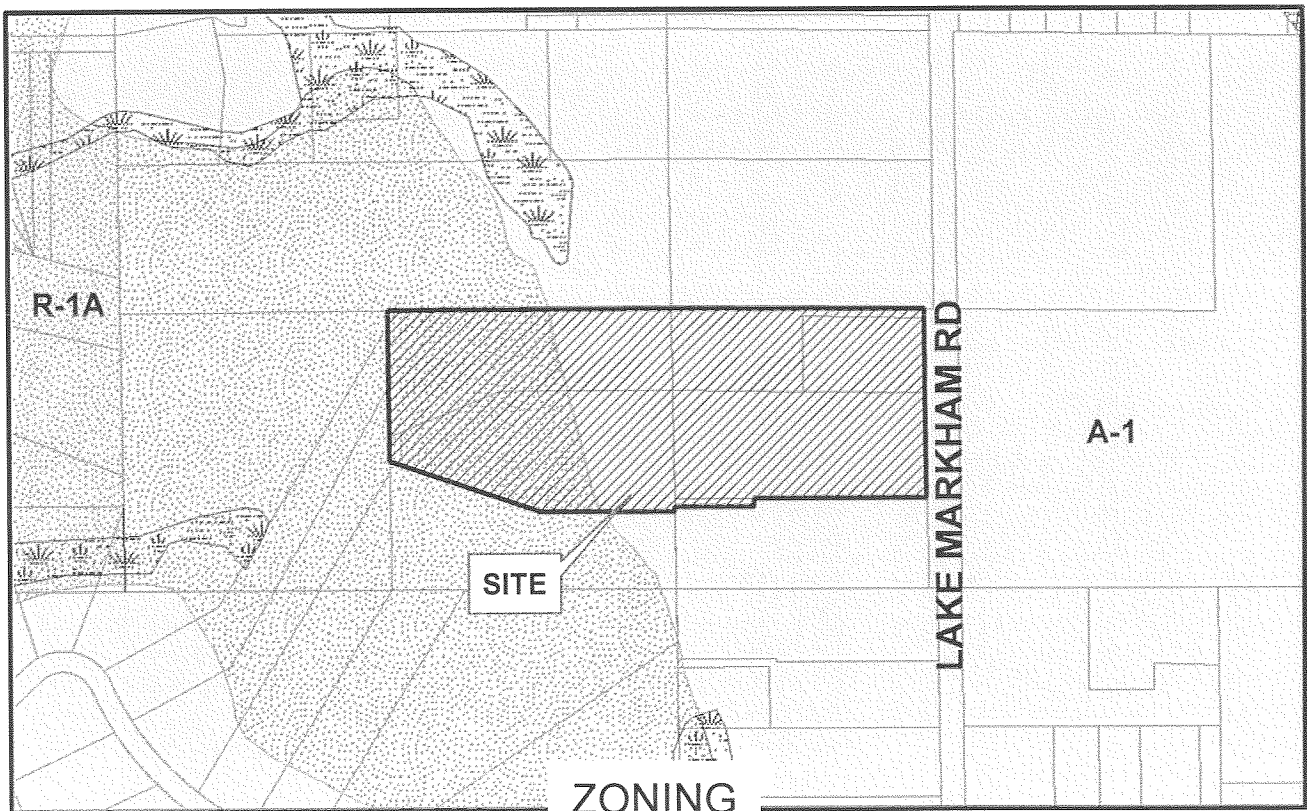
The presence of any wetlands and/or flood-prone areas is determined on a site by site basis.
Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process.
*Wetland information, based on National Wetland Inventory Maps, provided by SJRWMD.
Floodprone area information, based on Flood Insurance Rate Maps, provided by FEMA.



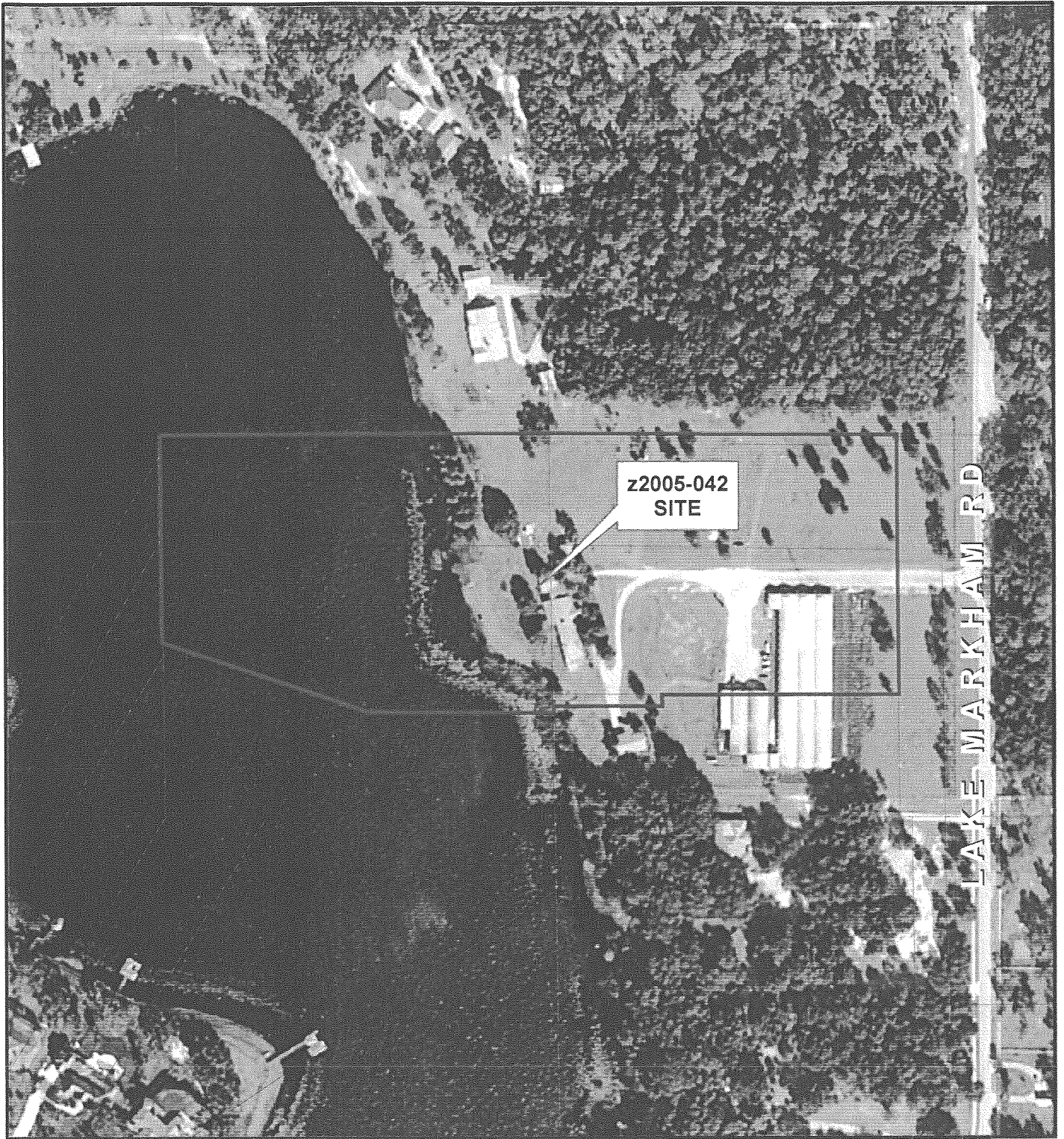
Site Municipality LDR SE REC CONS

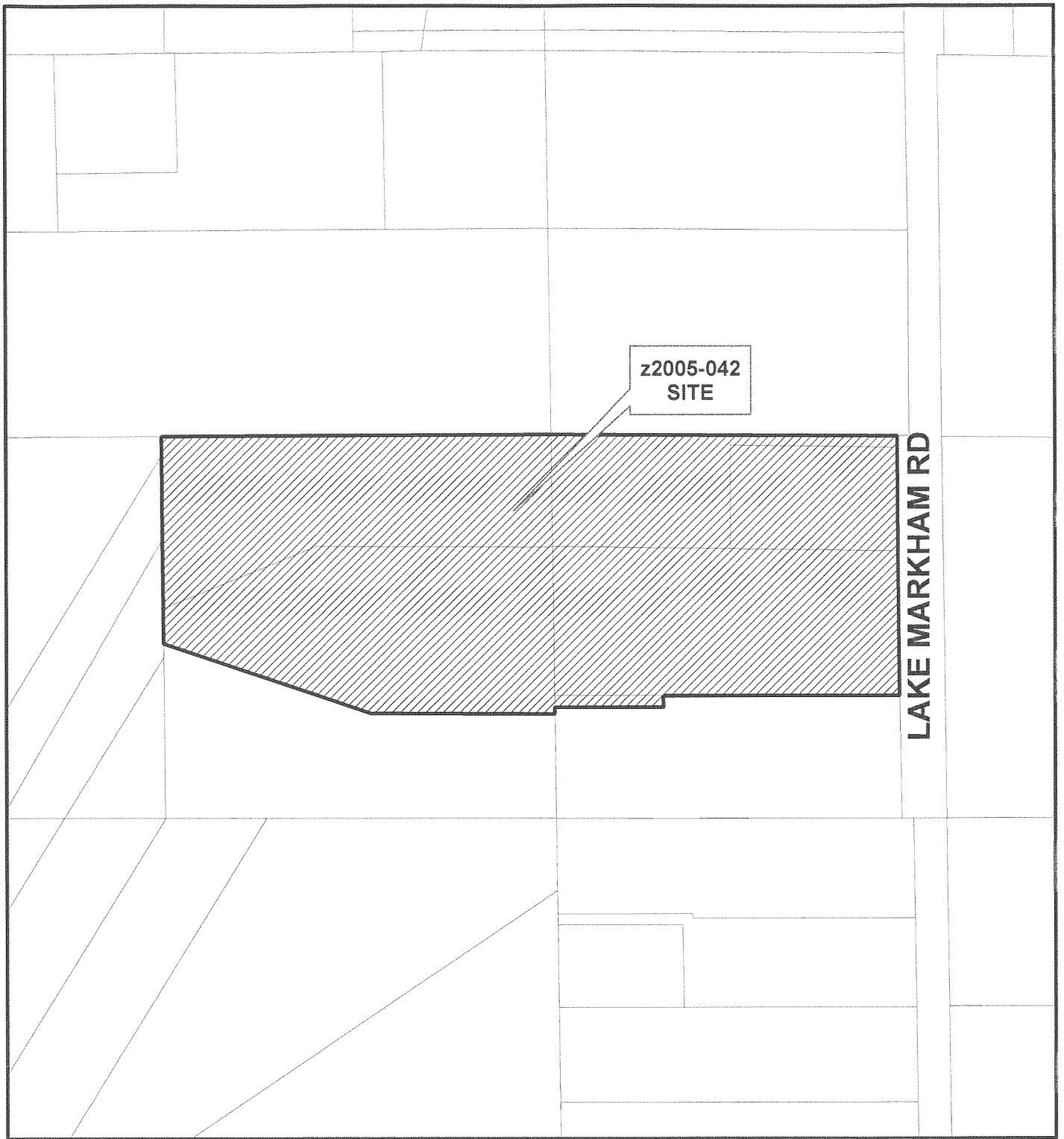
Applicant: Drs. Abid and Anne Mian
Physical STR: 27-19-29-300-031D-0000, 031C-0000
and 26-19-29-300-0190-0000
Gross Acres: 13.48 +/- BCC District: 5
Existing Use: Vacant
Special Notes: None

	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2005-042	A-1	RC-1



A-1 R-1A FP-1 W-1





AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY; ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE A-1 (AGRICULTURE) ZONING CLASSIFICATION THE RC-1 (COUNTRY HOMES DISTRICT) ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. LEGISLATIVE FINDINGS.

(a) The Board of County Commissioners hereby adopts and incorporates into this Ordinance as legislative findings the contents of the documents titled "Nikki Farms Rezone."

(b) The Board hereby determines that the economic impact statement referred to by the Seminole County Home Rule Charter is unnecessary and waived as to this Ordinance.

Section 2. REZONINGS. The zoning classification assigned to the following described property is changed from A-1 (Agriculture) to RC-1 (Country Homes District):

PARCEL 31D:

SECTION 27, TOWNSHIP 19 SOUTH, RANGE 29 EAST. BEGINNING 200 FEET NORTH OF THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 IN SECTION 26, TOWNSHIP 19, RANGE 29 RUN NORTH 261.35 FEET; WEST 1059.24 FEET; S69°16'43"W A DISTANCE OF 279.97 FEET; SOUTH 61.46 FEET; S71°27'57"E A DISTANCE OF 381.58 FEET; EAST 300.00 FEET; NORTH 20.00 FEET; EAST 659.18 FEET TO THE BEGINNING. (LESS THE ROAD).

PARCEL 31C:

SECTION 27, TOWNSHIP 19 SOUTH, RANGE 29 EAST. BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 IN SECTION 26, TOWNSHIP 19, RANGE 29; RUN WEST 1321.54 FEET; SOUTH 300.00 FEET; N69°16'43"E A DISTANCE OF 279.97 FEET; EAST 767.24 FEET; NORTH 180.00 FEET; EAST 292.00; NORTH 20.00

FEET TO BEGINNING. (LESS ROAD).

PARCEL 190:

SECTION 26, TOWNSHIP 19 SOUTH, RANGE 29 EAST, BEGINNING 20 FEET SOUTH OF THE NORTHEAST CORNER OF THE SOUTHWEST 1/4, OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 RUN SOUTH 180.00 FEET; WEST 292.00 FEET; NORTH 180.00 FEET; EAST 292.00 FEET TO BEGINNING. (LESS ROAD)

ADDITIONAL PARCEL:

SECTION 26, TOWNSHIP 19 SOUTH RANGE 29 EAST. COMMENCE AT THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4, RUN WEST 50.00 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF LAKE MARKHAM ROAD; THENCE RUN N00°06'55"W ALONG SAID WEST RIGHT OF WAY LINE A DISTANCE OF 200 FEET ; THENCE DEPARTING SAID RIGHT OF WAY LINE RUN N89°09'23"W A DISTANCE OF 419.40 FEET TO THE POINT OF BEGINNING; THENCE RUN S01°56'57"E A DISTANCE OF 20.00 FEET; THENCE RUN N89°09'23"W A DISTANCE OF 190.00 FEET THENCE RUN N01°56'57"W A DISTANCE OF 20.00 FEET; THENCE RUN S89°09'23"E A DISTANCE OF 190.00 FEET TO THE POINT OF BEGINNING.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PERIMETER DESCRIPTION:

SECTION 26, TOWNSHIP 19 SOUTH RANGE 29 EAST; COMMENCE AT THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4, THENCE RUN WEST 50.00 TO A POINT ON THE WEST RIGHT OF WAY LINE OF LAKE MARKHAM ROAD; THENCE RUN N00°06'55"W ALONG SAID WEST RIGHT OF WAY LINE A DISTANCE OF 200.00 FEET TO THE POINT OF BEGINNING; THENCE RUN N89°09'23"W A DISTANCE OF 419.40 FEET; THENCE RUN S01°56'57"E A DISTANCE OF 20.00 FEET; THENCE RUN N89°09'23"W A DISTANCE OF 190.00 FEET; THENCE RUN N87°46'53"W A DISTANCE OF 300.00 FEET; THENCE RUN N70°51'30"W A DISTANCE OF 381.58 FEET; THENCE RUN N01°01'15"E A DISTANCE OF 361.46 FEET; THENCE RUN S88°33'48"E A DISTANCE OF 654.01 FEET; THENCE RUN S89°06'39"E A DISTANCE OF 609.67 FEET TO A POINT ON THE AFOREMENTIONED WEST RIGHT OF WAY LINE OF LAKE MARKHAM ROAD; THENCE RUN S00°06'55"W ALONG SAID WEST RIGHT OF WAY LINE A DISTANCE OF 461.26 FEET TO THE POINT OF BEGINNING.
CONTAINING THEREIN 13.288 ACRES, MORE OR LESS.

Section 3. SEVERABILITY. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County

Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

Section 4. EFFECTIVE DATE. A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66, Florida Statutes, and this Ordinance shall be effective upon filing with the Department of State.

ENACTED this 25th day of October, 2005

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Carlton D. Henley
Chairman